

1 HONORABLE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ROY SCOTT,

Plaintiff,

v.

WILL BAILEY,

Defendant.

Case No. C06-5173RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon plaintiff's "appeal" [Dkt. #58] of Magistrate Judge J. Kelley Arnold's Order Denying Plaintiff's Motion to Amend and Directing Plaintiff to Comply with the Court Order to Amend [Dkt. #55].

Having considered the entirety of the records and file herein, the Court rules as follows:

This case has been referred to the Magistrate Judge under 28 U.S.C. § 636. Under Fed. R. Civ. P. 72(a), the non-dispositive order of a magistrate judge to whom a matter has been referred for pretrial matters may be reviewed by the district court upon the objection of a party. The court construes Mr. Scott's "appeal" in this instance to be such an objection.

This Court previously granted plaintiff leave to amend his complaint; however, the Court ordered that the amended complaint contain no new parties or causes of action [Dkt. #44]. Plaintiff has attempted to file an amended complaint adding a new party. The Magistrate Judge entered an Order [Dkt. #55] denying plaintiff's motion to amend including a new party. The Magistrate Judge's Order is proper. Therefore, it is

1 hereby

2 **ORDERED** that plaintiff's "appeal" [Dkt. #58] is **DENIED**.

3 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
4 pro se.

5 Dated this 22nd day of November, 2006.

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7 Ronald B. Leighton
8 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

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